

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.* State Engineer,  
Plaintiff,

69cv07896-BB  
RIO TAOS ADJUDICATION

- v-

EDUARDO ABEYTA, *et al.* &  
CELSO ARELLANO, *et al.*,  
Defendants.

69cv07939-BB  
RIO HONDO ADJUDICATION  
Consolidated

Section: Rio Pueblo de Taos  
Ditch: Acequia del Medio del Prado

ORDER APPLYING PRIORITY DATE FOR ACEQUIA  
DEL MEDIO DEL PRADO TO INDIVIDUAL SUBFILES

In the May 13, 2002 Memorandum Opinion and Order (Docket No. 3026), the Court clarified procedures for determining subfile priority dates and stated that acequia-wide priority dates are to be applied to the water rights they serve. Each claimant has had an opportunity to prove an earlier priority date during the subfile phase and objectors will have the opportunity to prove later priority dates during the *inter se* phase. (No. 3026) On February, 21, 2003 and again on November 18, 2005, the Court entered a Memorandum Opinion and Order (No. 3102 and 4701 respectively) that adopted a priority date of 1730 for the Acequia del Medio del Prado.

This Order applies the priority date adopted for the Acequia del Medio del Prado to each subfile irrigation water right it serves. The acequia-wide priority date does not apply to supplemental irrigation wells or springs, nor does it apply to individual subfile water rights previously denied by the Court. All water right claims denied have a priority date of "None." Subfile priority dates are listed in Exhibit A attached to this Order.

It is therefore ordered that the 1730 priority date adopted for Acequia del Medio del Prado is applied to individual subfile water rights as set forth in Exhibit A.



BRUCE D. BLACK  
UNITED STATES DISTRICT JUDGE

**EXHIBIT A**  
**ACEQUIA DEL MEDIO DEL PRADO**

<b>Individual Subfile Priority Dates</b>	
<b>Subfile Number</b>	<b>Priority Date</b>
12.46	See footnote <sup>1</sup>
12.46A	1730
12.46B	1730
12.47	1730
12.48	1730
12.49	1730
12.50	1730
12.51	1730
12.52	1730
12.54	1730
12.56	1730
12.58	1730
13.10	1730
13.11	1730
13.12	1730
13.12A	1730
13.13	1730
13.14	1730
13.14A	1730
13.15	1730
13.16	1730
13.17	1730
13.18	1730
13.18A	1730
13.18B	1730
13.19	1730
13.19A	1730
13.19B	1730

<b>Individual Subfile Priority Dates</b>	
<b>Subfile Number</b>	<b>Priority Date</b>
13.2	1730
13.21	1730
13.21A	1730
13.21B	1730
13.21C	1730
13.21D	1730
13.21E	1730
13.21F	1730
13.21G	1730
13.21H	1730
13.21I	1730
13.21J	1730
13.22	1730
13.23	1730
13.25	1730
13.27	1730
13.3	1730
13.3A	1730
13.3B	1730
13.3C	1730
13.4	1730
13.5	1730
13.6	1730
13.7	1730
13.8	1730
13.9	1730

<sup>1</sup> The four rights in Subfile 12.46 are not irrigation rights but ponds used for recreation. The Memorandum Opinion and Order entered February 21, 2003 (No. 3102) included Subfile 12.46 because it had been inadvertently included in the 1989 Order to Show Cause Process on Priority (see Certificate of Service filed September 20, 1989, No. 1646). The Memorandum Opinion and Order remanded Subfile 12.46 to the Special Master. Subsequently, on August 19, 2003, the Order Reconfirming Priority Date (No. 4207) reconfirmed the priorities in the original Consent Order for the four recreation ponds in Subfile 12.46: 1854 (one pond), 1865 (one pond) and 1907 (two ponds).